



PATENT  
Customer No. 22,852  
Attorney Docket No. 05552.1437-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Paul MELLER ) Group Art Unit: 2877  
)  
Application No.: 10/717,594 ) Examiner: R. ROSENBERGER  
)  
Filed: November 19, 2003 )  
) Confirmation No. 8652  
For: NEPHELOMETRIC DETECTION )  
UNIT WITH OPTICAL IN- )  
PROCESS CONTROL )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

The listed documents were previously considered in parent Application No. 09/428,496, filing date October 28, 1999, upon which Applicant relies for the benefits provided in 35 U.S.C. § 120.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached Form PTO 1449.

Regarding the non-English language documents DE 1 296 828 and DE 3630292 C1, in lieu of a statement of relevance or translation, a copy of a search report from the European Patent Office in a corresponding application citing these documents and setting forth the relevance thereof was filed in parent Application No. 09/428,496. Moreover, U.S. Patent No. 3,310,680 appears to correspond to DE 1296828.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

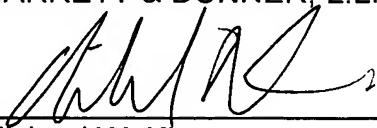
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please  
charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

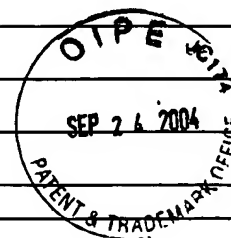
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 24, 2004

By:   
Michael W. Kim  
Reg. No. 51,880

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	05552.1437	Appln. No.	09/428,496
Applicant	Dr. Paul MELLER		
Filing Date	October 28, 1999	Group:	2877



## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	4,842,406	6/1989	Von Bargen			
	4,730,922	3/15/88	Bach et al.			
	4,343,552	8/10/82	Blades			
	3,310,680	3/21/67	Hasegawa			

## FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
DE 1 296 828	6/4/69	Germany			No
DE 3630292 C1	2/11/88	Germany			No

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

European Search Report

Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce